

COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND

CHARTER AMENDMENT RESOLUTION No. R-17-01

Introduced by: City Council

Date Introduced: October 3, 2016

First Reading: October 3, 2016

Second Reading:

Date Adopted: October 3, 2016

Date Effective: November 22, 2016

A CHARTER AMENDMENT RESOLUTION OF THE COUNCIL OF THE CITY OF SEAT PLEASANT, passed pursuant to the authority of Article XI-E of the Constitution of Maryland and §§ 4-302(1) and 4-304 of the Local Government Article of the Maryland Annotated Code to amend the Charter of the City of Seat Pleasant (as published in Municipal Charters of Maryland, Vol. 7 (2008 Replacement Edition and November 2015 Supplement)) for the purposes of providing that the Mayor shall be the Chief Executive Officer of the City government and shall have such powers and perform such duties as may be prescribed by the Charter; providing that the Mayor shall see that the Ordinances of the City are faithfully executed and enforced and perform such other duties which are not inconsistent with this Charter as may be authorized by the Council; providing that, except as otherwise expressly provided in the Charter, the Mayor, with a consent of a majority of the Council in accordance with § C-306 of the Charter, shall appoint the City Treasurer, the City Clerk, the Chief of Police and all other department and agency heads; providing that, except as otherwise expressly provided in the Charter, all such officials and department and agency heads shall only be removed by consent of a majority of the Council in accordance with § C-306 of the Charter; providing that the City Administrator shall represent the City in all matters of day-to-day administration, under the direct supervision of the Mayor; providing that the City Administrator shall direct and supervise all employees of the City, except the City Clerk, who shall be supervised by the City Council, and except as otherwise expressly provided in the Charter; providing that all departments, offices and agencies shall be under the direction and supervision of the Mayor, except as otherwise expressly provided in the Charter; providing that the Mayor and the City Administrator may, only with the consent of a majority of the Council in accordance with § C-306 of the Charter, appoint an officer to assist them in the supervision of those departments, offices or agencies of the City for which they are responsible; providing that the title of this Charter Amendment Resolution shall be deemed a fair summary; and generally relating to the offices of the Mayor and the City Administrator of The City of Seat Pleasant.

RECITALS

WHEREAS, pursuant to Article XI-E, § 3 of the Constitution of Maryland, the Council of the City of Seat Pleasant (the "Council"), as the legislative body of The City of Seat Pleasant, Maryland (the "City"), is authorized and empowered to amend the Charter of the City of Seat Pleasant (the "Charter"); and

WHEREAS, pursuant to Article XI-E, § 4 of the Constitution of Maryland, an amendment to the Charter shall be proposed either by a resolution of the Council or by a petition containing the signatures of at least twenty (20) percent of the registered voters of the City and filed with the Council; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't §§ 4-302(1) and 4-304, the Council may initiate a proposed amendment or amendments to the Charter by a resolution which, except as otherwise specified in Title 4, Subtitle 3 of the Local Government Article, is adopted in the same manner as other resolutions in the City by a majority of all the individuals elected to the Council, as the legislative body of the City, and the same shall be subject to the right of referendum; and

WHEREAS, the Council is desirous of amending the Charter for the purposes of providing that the Mayor shall be the Chief Executive Officer of the City government and shall have such powers and perform such duties as may be prescribed by the Charter; providing that the Mayor shall see that the Ordinances of the City are faithfully executed and enforced and perform such other duties which are not inconsistent with this Charter as may be authorized by the Council; providing that, except as otherwise expressly provided in the Charter, the Mayor, with a consent of a majority of the entire Council, shall appoint the City Treasurer, the City Clerk, the Chief of Police and all other department and agency heads; providing that, except as otherwise expressly provided in the Charter, all such officials and department and agency heads shall only be removed by consent of a majority of the entire Council; providing that the City Administrator shall be appointed by majority vote of the entire Council and shall report directly to the Mayor; providing that the Mayor, with consent of a majority of the entire Council, shall fix the compensation of the City Administrator; providing that the City Administrator shall represent the City in all matters of day-to-day administration, under the direct supervision of the Mayor; providing that the City Administrator shall direct and supervise all employees of the City, except the City Clerk, who shall be supervised by the City Council, and except as otherwise expressly provided in the Charter; providing that the City Administrator may, only with the Mayor's consent, appoint an officer to assist him or her in the direction and supervision of the departments, offices or agencies of the City; and

WHEREAS, the Council has determined that the Charter amendments set forth herein are necessary for a more effective and efficient means of government; and

WHEREAS, the Council, to provide for the reasonable and appropriate representation of the citizens of the City and to provide for the better management and governance of the City and its affairs, deems it necessary and appropriate for the good government and citizens of the City to amend certain provisions of the Charter as set forth herein.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that, pursuant to the authority of Article XI-E of the Constitution of Maryland and §§ 4-302(1) and 4-304 of the Local Government Article of the Maryland Annotated Code, the Municipal Charter of the City of Seat Pleasant (as published in Municipal Charters of Maryland, Vol. 7 (2008 Replacement Edition and November 2015 Supplement)) be, and the same is hereby, amended as follows:

SECTION 1. BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the following changes are made to § C-403 of the Charter:

§ C-403. Powers and Duties

(a) The Mayor shall be the ((ceremonial head)) Chief Executive Officer of the City government and shall have such powers and perform such duties as may be prescribed by this Charter. The Mayor is authorized to sign and execute documents and to accept service of legal process on behalf of the City. The Mayor shall ((enforce)) see that the Ordinances of the City are faithfully executed and enforced and perform such other duties which are not inconsistent with this Charter as may be ((required of the Mayor)) authorized by the ((City)) Council.

(b) UNCHANGED

(c) ((The)) Except as otherwise expressly provided in this Charter, the Mayor, ((shall within sixty (60) days of the occurrence of any vacancy in the position of City Treasurer, City Clerk, Chief of Police, or any department head submit to the City Council the name of at least one qualified person to fill such position. In the event the name of such person is not forwarded to the City Council within the time specified above, the City Council shall fill such vacancy by requiring the City Administrator to submit one name for such vacancy within thirty days after receiving a written request from the Council President. In any event the confirmation of such person shall be by vote of the majority of Council.)) with consent of a majority of the entire Council, shall appoint the City Treasurer, the City Clerk, the Chief of Police and all other department and agency heads. Except as otherwise expressly provided in this Charter, all such officials and department and agency heads shall only be removed by consent of a majority of the entire Council.

(d) UNCHANGED

SECTION 2. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the following changes are made to § C-701 of the Charter:

§ C-701. Appointment, Compensation, Duties and Removal

(a) There shall be a full-time City Administrator appointed by majority vote of the ((City)) entire Council, who shall ((serve at its pleasure)) report directly to the Mayor. The ((City Council)) Mayor, with consent of a majority of the entire Council, shall fix the compensation of the City Administrator.

(b) UNCHANGED

(c) The City Administrator shall represent the City in all matters of day-to-day administration, under the direct supervision of the Mayor. In this capacity, he or she shall exercise all administrative powers and authority delegated by this Charter or the ((City)) Council. He or she shall:

(1) Direct and supervise all employees of the City, except the City Clerk, who shall be supervised by the ((City)) Council, and except as otherwise expressly provided in this Charter;

(2) UNCHANGED

(3) UNCHANGED

(4) UNCHANGED

(5) UNCHANGED

(d) UNCHANGED

(e) UNCHANGED

(f) UNCHANGED

SECTION 3. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the following changes are made to § C-905 of the Charter:

§ C-905. Direction of the City Administrator

All departments, offices and agencies shall be under the direction and supervision of the City Administrator. However, the City Administrator may only with ((Council)) the Mayor's consent appoint an officer to assist him or her in administration of said departments, offices or agencies.

SECTION 4. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that, in this Resolution, unless a section of the Charter is expressly repealed in its entirety and reenacted, new or added language is underlined and deleted text is enclosed in double parentheses. Language added after the date of introduction is in italicized type and text deleted after the date of introduction is enclosed in bold brackets.

SECTION 5. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that if any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Resolution, it being the intent of the Council that this Resolution shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 6. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that to the extent that any section of the Charter is in conflict with the provisions of Sections 1 through 3 of this Resolution, such section or sections be and hereby are repealed to the extent of such conflict.

SECTION 7. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the Charter amendments adopted by this Resolution shall become effective upon the fiftieth (50th) day after adoption unless a proper petition for a referendum hereon shall be filed on or before the fortieth (40th) day after adoption, as provided by law. A complete and exact copy of this Resolution shall be posted at City Hall, 6301 Addison Road, Seat Pleasant, Maryland 20743, or another main municipal building or public place, for a period of at least forty (40) days following its adoption, and the title to this Resolution, being a fair summary of the Charter amendments adopted hereby, shall be published in a newspaper of general circulation in the City not less than four (4) times, at weekly intervals within a period of at least forty (40) days, starting immediately after the date of its adoption.

SECTION 8. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that as soon as the Charter amendments adopted by this Resolution shall become effective, either as herein provided or following a referendum, the City Clerk or the chief executive officer of the City shall send by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the Department of Legislative Services of the State of Maryland, the following documents or information concerning the Charter amendments herein: (1) the complete text of this Resolution; (2) the date of the referendum election, if any, held with respect thereto; (3) the number of votes cast for or against this Resolution by the Council or in a referendum; and (4) the effective date of the Charter amendments.


SECTION 9. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the City Clerk is hereby authorized and directed to carry out the provisions of Sections 7 and 8 hereof; and as evidence of compliance herewith, the City Clerk shall cause to be affixed to the minutes of the Council for the meeting at which this Resolution is adopted: (1) a certificate to the effect that this Resolution was duly and properly posted as provided in Section 7 herein; (2) an appropriate certificate of publication in the newspaper in which the fair summary of the Charter amendments herein shall have been published as provided in Section 7 herein; and (3) the return receipt of the mailing as provided in Section 8 herein; provided, however, that failure to comply with any of the foregoing shall not invalidate this Resolution.

This Charter Amendment Resolution was introduced at a public meeting of the City Council of the City of Seat Pleasant, held on the 3rd day of October, 2016, and having been reviewed and considered for final action, was duly adopted on the 3rd day of October, 2016.

COUNCIL OF THE CITY OF SEAT PLEASANT


Charl Jones, Councilmember



Lamar Maxwell, Councilmember


Shireka McCarthy, Councilmember

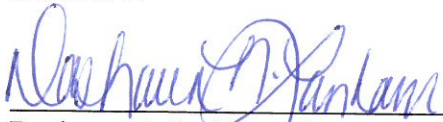

Kelly Porter, Councilmember


Gloria Sistrunk, Councilmember


Aretha A. Stephenson, Councilmember


Reveral L. Yeargin, Councilmember

ATTEST:


Dashaun N. Lanham, CMC
City Clerk